

SPAWARINST 5721.1
SPAWAR 08C
18 Jan 02

SPAWAR INSTRUCTION 5721.1

From: Commander, Space and Naval Warfare Systems Command

Subj: SPAWAR SECTION 508 IMPLEMENTATION POLICY

Ref: (a) Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the FY 2001 Military Construction Appropriation Act (Public Law 106-246 of 13 Jul 00)
(b) FAR Subpart 39.2
(c) 36 CFR Part 1194 Section 508 Standards
(d) Section 501 of the Rehabilitation Act of 1973
(e) DoD CIO Memorandum of 21 Jul 00
(f) DON CIO 251618ZJUN01
(g) DON CIO 061354ZJUL01

Encl: (1) EIT Certification Form
(2) EIT Commercial Non-Availability Form
(3) EIT Undue Burden Exception Determination Form
(4) NSS Designation Request Form

1. Introduction. Reference (a) requires that Electronic and Information Technology (EIT) developed, procured, maintained, or used by the federal government be accessible to people with disabilities.

a. Electronic and Information Technology (EIT). EIT is defined as any system that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. This includes software applications and operating systems, web-based intranet and Internet information and systems, telecommunication products, video and multimedia products, self-contained or closed products, desktop and portable computers, and services (including support services).

b. Effective Date. Reference (b) requires Federal agencies comply with the accessibility standards listed in reference (c) for all EIT acquired after 24 June 2001.

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c. Reasonable Accommodations. Nothing in this policy should be read to diminish SPAWAR's responsibility for providing reasonable accommodations to qualified employees and applicants for employment who have disabilities under reference (d).

2. SPAWAR Policy. SPAWAR will develop, procure, maintain, and use EIT in accordance with Section 508.

3. Exceptions. EIT that meets one of the following exceptions is not required to comply with Section 508 accessibility standards per references (a), (b), and (c):

a. EIT for a National Security System (NSS), defined as the function, operation, or use of which involves:

(1) Intelligence activities.

(2) Cryptographic activities related to national security.

(3) Command & control of military forces.

(4) Equipment that is an integral part of a weapon or weapon systems.

(5) Systems critical to the direct fulfillment of military or intelligence missions (but not those systems that are used for routine administrative and business applications such as payroll, finance, logistics, and personnel management applications).

b. EIT acquired by a contractor incidental to a contract, or which is neither used nor accessed by federal employees or members of the public.

c. EIT whose acquisition would require a fundamental alteration in the nature of the product or its components in order to comply with the Section 508 accessibility standards.

d. EIT that is a micro-purchase (maximum \$2,500 on open market) prior to 1 January 2003 (although compliance to the "maximum extent practicable" is required).

e. EIT that is located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring.

f. It would impose an "undue burden" on the requiring organization to procure EIT that complies with Section 508 accessibility standards.

(1) "Undue burden" is defined as a significant difficulty or expense.

(2) The organization shall consider available resources.

(3) Program managers shall document in writing the basis for an undue burden decision, provide that documentation to the PCO, and propose an alternative means of access.

4. Legacy Systems and Contracts. Section 508 does not apply to "legacy" systems and contracts (i.e., those in existence prior to 21 June 2001). However, the following shall be Section 508 compliant if they contain EIT and no exception applies:

a. RFPs issued prior to 24 June 2001 for award after 25 June 2001.

b. Orders issued under any legacy ID/IQ contracts after 24 June 2001.

c. Out of scope modifications to legacy contracts.

d. New contracts to modify or maintain legacy systems, unless they are for services only. Services such as help desk, training, and product support documentation shall be Section 508 compliant. In other words:

(1) New maintenance and support contracts on legacy systems do not require the legacy systems to be Section 508 compliant.

(2) New contracts for EIT related services, such as help desk, training, or product support, must be compliant with Subpart D of reference (c), titled Information, Documentation, and Support.

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(3) EIT developed, procured, maintained, or used by a contractor to provide services (such as help desk support) to the government, does not have to be Section 508 compliant, per paragraph 3.b.

5. Web Sites. New or modified SPAWAR web sites shall be Section 508 compliant.

a. Web sites in existence prior to 21 June 2001 are not required to be Section 508 compliant. However, in accordance with references (e) and (f), SPAWAR will continue to make a "good faith" effort to bring all web sites into Section 508 compliance as soon as practicable, based on priority and resources.

b. Pursuant to reference (e), a National Security Systems (NSS) exception shall not be applied to any publicly accessible SPAWAR web site. Additionally, non-public web sites supporting excepted systems should comply whenever possible.

6. Responsibilities

a. All SPAWAR Procurement Officials. All personnel involved in the acquisition of EIT shall become familiar with Section 508. Specifically, Requiring Officials (i.e., program managers, department heads), Contracting Officials, and government EIT developers have a requirement to understand their responsibilities, Section 508 accessibility standards, and applicable FAR. Specific responsibilities are outlined below. The 508 accessibility standards, FAR changes, as well as training, are available on the web at <http://www.section508.gov>. Information is also available on the SPAWAR Knowledge Center (SKC) Section 508 web site at <http://skc.spawar.navy.mil>.

b. SPAWAR Requiring Officials. For all procurements, except those for which Section 508 does not apply (see paragraph 4.) and/or those which meet the micro-purchase exception (see paragraph 3.d.), Requiring Officials shall "certify" all procurements for Section 508 compliance by following the steps below. This task is generically referred to as EIT certification, and implies completing the EIT certification form referenced below.

(1) EIT Certification Steps

(a) Determine if a requirement includes EIT.

(b) If the requirement includes EIT, then determine which Section 508 accessibility standards apply and whether an exception applies.

(c) When considering commercial items, perform market research to determine if any of the applicable Section 508 accessibility standards are commercially unavailable.

(d) For EIT procurements that do not meet any exception, incorporate the applicable Section 508 accessibility standards into the specification and/or statement of work (SOW).

(e) Provide exception, commercial unavailability, or specifications/SOW with incorporated Section 508 accessibility standards along with the Purchase Request (PR) to the Contracting Official.

(2) Enclosures (1) through (4) are available on the SKC Section 508 web site to assist Requiring Officials in performing the tasks outlined above.

(3) Except for those procurements to which Section 508 does not apply (see paragraph 4.) and/or those procurements that satisfy the micro-purchase exception (see paragraph 3.d.), Requiring Officials procuring EIT using non-SPAWAR contracts (e.g., GSA FEDSIM contracts, Federal Supply Schedules, Government-Wide Acquisition Contracts (GWAC), multi-agency contracts (MAC) issued by other federal agencies) shall provide EIT certification to the cognizant Ordering Officials. When procuring EIT that meets Section 508 accessibility standards, Requiring Officials shall not use any contract where the standards would exceed the contract scope.

(4) All SPAWAR funding documents and task statements to other government activities shall include the following statement:

"Any Electronic and Information Technology developed, procured, maintained, or used by a government activity as a result of this tasking shall be done so in accordance with

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Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended by the FY 2001 Military Construction Appropriation Act (Public Law 106-246 - 13 July 2000)."

(5) When practical, Requiring Officials shall include approved EIT certification in tasking to other government activities. Requiring Officials shall reference any applicable NSS designation or Undue Burden Exception Determination when tasking another government agency.

(6) When acquiring commercial items, Requiring Officials must comply with those Section 508 accessibility standards that can be met with supplies or services that are available in the commercial marketplace in time to meet delivery requirements.

(7) Requiring Officials shall ensure that compliance with Section 508 is verified during source selection and contract performance (i.e., prior to acceptance). If necessary, compliance testing should be performed by the contractor and results provided for review by the accepting official. If products are commercially available which meet some but not all of the Section 508 accessibility standards, SPAWAR shall procure the product that best meets its needs and the intent of the law.

(8) The Section 508 Homepage for the Federal IT Accessibility Initiative (FITAI) contains information that can assist Requiring Officials in determining whether a commercial item is compliant with Section 508 at <http://www.section508.gov> The Information Technology Industry Council (ITI) has developed a voluntary Internet-based template to help government and vendors identify products with features that support accessibility at http://www.itic.org/policy/access_0106.htm

(9) Requiring Officials shall forward NSS determination requests to the SPAWAR 00A-A Acquisition Support Office for processing.

c. SPAWAR Contracting Officials. Contracting Officials shall ensure that EIT certifications received from Requiring Officials are included in the contract file and applicable clauses are included into an RFP, contract, or order for EIT. Section 508 clauses for use by Contracting Officials are posted

in the SPAWAR 02 and the Section 508 areas of the SKC at
<http://skc.spawar.navy.mil>

d. SPAWAR Government EIT Developers. Government (as opposed to commercial) developers shall incorporate Section 508 accessibility standards into EIT they develop for federal use, unless an exception applies.

e. SPAWAR Web Site Owners. In accordance with references (e) and (g), SPAWAR Officials responsible for the production of web sites shall:

- (1) Determine 508 compliance for existing web sites.
- (2) Bring principal sites into compliance as soon as possible.
- (3) Bring all other sites into compliance as soon as practicable.
- (4) Ensure local web site administration procedures are updated to include Section 508 compliance testing.
- (5) Provide reasonable, alternate accommodation for web page information that may not be Section 508 compliant.
- (6) Include the following statement on all principle sites and any site that is not Section 508 compliant:

"We are continually working to ensure that this website is accessible to everyone. If you find a problem that prevents access, please contact us by sending an e-mail to 508@spawar.navy.mil. Information that cannot be accessed will be provided in an alternative format."

(7) The World Wide Web Consortium (W3C), through the W3C Web Accessibility Initiative (WAI), has published guidance for incorporating Section 508 accessibility standards into web sites at <http://www.w3.org/WAI/Resources/#gl>.

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7. Approval Authority

a. NSS Designations. In accordance with reference (e), NSS designations shall be approved by COMSPAWARSYSCOM.

b. Undue Burden Exception. In accordance with reference (e), undue burden exception determinations shall be approved at the General, Flag, or Senior Executive Service level.

c. EIT Certification. For SPAWAR HQ, EIT certifications shall be approved at the Program Manager level or above. EIT certifications with an NSS or undue burden exception shall reference the approved NSS designation or include the approved undue burden exception determination accordingly. SPAWAR Echelon III activities shall designate appropriate approval authority for EIT certifications; however, this shall not affect NSS designation and undue burden exception determination approval authority listed above.

/s/
K. D. SLAGHT

Distribution:

LIST 6 (All Hands)

SPAWAR Systems Center, San Diego
SPAWAR Systems Center, Charleston
SPAWAR Systems Center, Chesapeake
SPAWAR Information Technology Center, New Orleans
SPAWAR Field Activity, Chantilly
SPAWAR Systems Activity, Pacific
SPAWAR Systems Facility, Guam
SPAWAR Systems Facility, Japan

**ELECTRONIC AND INFORMATION TECHNOLOGY
(EIT) CERTIFICATION**

PR#:	POC:	REQUIRING CODE:	TELEPHONE NO.
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REQUIREMENT MUST COMPLY WITH SECTION 508 – EIT ACCESSIBILITY STANDARDS

EIT is defined as any system that is used in the automatic acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information, including:

- Software applications and operating systems
- Web-based intranet and Internet information and systems
- Telecommunication products
- Video and multimedia products
- Self-contained or closed products
- Desktop and portable computers
- Related services (may include support services).

(FAR 39.204) Prior to January 01, 2003, acquisitions of \$2,500.00 or less made in accordance with the FAR 13.2 on Micro-Purchasing are not required to be section 508 compliant and so this form is not required for this type of purchase. However, compliance with Section 508 accessibility standards to the maximum extent practicable is encouraged.

This requirement does not include EIT.

This requirement is for a commercially available EIT product that is

- fully compliant.
- not fully compliant (Complete and attach the EIT Commercial Non-Availability Form).

This requirement includes EIT and

- the applicable Section 508 Accessibility Standards (36 CFR Part 1194) have been incorporated into the attached SOW.
- meets one of the exceptions below – identify exception (Section 508, 36 CFR Part 1194, and FAR 39.204).
- The EIT supports a program or system designated as a National Security System.
 - The EIT will be acquired by the contractor (non-government) incidental to this contract.
 - A fundamental alteration to the nature of the required product or its components would be necessary to comply with Section 508 Accessibility Standards.
 - The EIT will be located in spaces frequented only by service personnel for maintenance, repair or occasional monitoring of equipment.
 - Compliance with Section 508 Accessibility Standards would impose an undue burden on the agency (Complete and attach the Undue Burden Exception Determination Form).

Author (print name)

Signature (sign)

For SPAWAR HQ: Program Manager (print name)
For SPAWAR Activity: Check with Contracting Official for local approval authority (print name)

Signature (sign)

EIT Commercial Non-Availability Certification Form

To be completed by the Requiring Official and provided to the Contracting Official with the EIT Certification Form.

Even if not fully compliant, SPAWAR shall acquire the commercial product that provides the greatest degree of compliance with the Section 508 Technical Standards while satisfying other functional requirements. (36 CFR subpart 1194.2 (b)).

Enclosure:

- (1) FAR Commercial Item Definition
- (2) Section 508 Definitions and Technical Standards

1. Describe the commercial item, see enclosure (1), and site the applicable technical standards, see enclosure (2).
2. Describe the market research used to ascertain the non-availability of compliant commercial items.

Possible references: Request-for-Information (RFI) in Federal Business Opportunities, consultation with industry, trade associations, Internet, other federal agencies, or accessible product organizations such as the IRS Information Resources Accessibility Program (IRAP) and General Services Administration (GSA) Center for Information Technology (IT) Accommodation; GSA's Federal Supply Service; IRS Disabled Employees Support Acquisitions Contract (DESAC II).

3. Summarize findings on the non-availability of compliant commercial items including the applicable technical standards that are not met by available commercial items.

I have determined that a commercial product that meets all of the applicable Section 508 Technical Standards as well as the requirements of this procurement is not available in the commercial marketplace, nor expected to become available in time to satisfy delivery requirements.

Author

Signature

Date

For SPAWAR HQ: Program Manager
For SPAWAR Activities: Check with
Contracting Official for local approval
authority

Signature

Date

EIT Undue Burden Exception Determination Form

To be completed by the Requiring Official and provided to the Contracting Official with the EIT Certification Form.

Provide information below to justify your determination that compliance with Section 508 Accessibility Standards (36 CFR Part 1194) for the required EIT imposes an undue burden on your activity. A thorough explanation is necessary because it may be used to protect your activity against protests and litigation. Relevant attachments are encouraged.

1. Products or services required to meet the agency's needs:

2. Dollar value of the acquisition, including any options:

3. Applicable Section 508 standards (see 36 CFR part 1194) that are unmet:

4. Market research performed to locate commercial items that meet the applicable standards:

5. The undue burden (i.e. the significant difficulty or expense the Government would incur in order to comply with a particular standard). If the monetary expense is deemed prohibitive, explain the costs and how they were estimated.
 - a. Significant difficulty of compliance:

 - b. Significant expense of compliance:

 - c. Insufficient agency resources available to the agency's program or component for which the goods or service is being acquired:

6. Alternative means of access that will be provided that will allow the individuals with disabilities to use the information or data. (29 U.S.C. 794d(a)(1)(B)). Include effort, labor, costs and time required in the whole process to implement the alternative means. (This information must be sufficiently detailed since it may be used in the procurement process technical evaluation.)

I have determined that compliance with Section 508 Accessibility Standards for the required EIT imposes an Undue Burden per Section 508 of the Rehabilitation Act of 1973, as Amended, 36 CFR Part 1194, and the Federal Acquisition Regulation Subpart 39.2.

Author

Signature

Date

Approved by

Must be approved at the
General, Flag, or Senior
Executive Service level

Signature

Date

**NATIONAL SECURITY SYSTEM (NSS) INFORMATION TECHNOLOGY (IT)
DETERMINATION REQUEST FOR (Program Name and Nomenclature)**

- Ref: (a) ASN (RD&A) memorandum of 22 May 1995, Subj: Delegation of Warner Amendment Determination Authority
- (b) Information Technology Management Reform Act (ITMRA)/Clinger-Cohen Act of 1996
- (c) ASN (RD&A) memorandum of 14 August 1996, Subj: Interim IT Acquisition Policy
- (d) DoN CIO administrative message of 25 June 2001, Subj: Department of the Navy Implementation of Section 508

1. PROGRAM NAME, NOMENCLATURE, AND ACAT DESIGNATION:

2. PROGRAM POINT OF CONTACT (Name, Code, Phone, E-mail address):

3. DESCRIPTION OF SYSTEM OR TECHNOLOGY (Focus on functional use or purpose of IT resources being acquired for the military or intelligence mission and describe how that mission satisfies one or more of the categories identified in paragraph 4):

4. NSS DESIGNATION INFORMATION:

In accordance with references (a) through (d), the system or technology listed above meets the criteria for an NSS as follows: (check all that apply)

- (a) Involves intelligence activities
- (b) Involves cryptologic activities related to national security
- (c) Involves command and control of military forces
- (d) Involves equipment that is an integral part of a weapons system
- (e) Is critical to the direct fulfillment of military or intelligence missions and will not be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

5. APPROVAL:

SPAWAR 00
RADM Kenneth D. Slaght, USN

Date

Instructions for filling out Paragraph 3 of NSS Determination Form

Paragraph 3 should provide a detailed description in layman's terms of what the system does; use of technical terminology (e.g., describing that the system operates in a specific MHz bandwidth) is discouraged. Particular attention should be paid to identifying specific types of information transmitted and/or received by the system.

For example, if paragraph 4. (a) is checked, the description in paragraph 3 should provide specific examples of the types of evaluation information concerning an enemy or possible enemy (e.g., forces, weapons, capabilities, intentions) or a possible theater of operations and the conclusions drawn there from (e.g., bomb damage assessments) -- for that is the generally-understood definition of the term "intelligence" -- that the proposed system receives/transmits.

If paragraph 4. (b) is checked, the description in paragraph 3 should provide specific examples of the processes or operations pertaining to production of information or intelligence from the interception and analysis of electromagnetic signals or emanations -- for that is the Navy's definition of the term "cryptologic", NSGINST S2501.1C -- that the proposed system transmits/receives. It is not required that the system itself encrypt and/or decrypt data -- but if it does so, that fact should be stated.

If paragraph 4. (c) is checked, the description in paragraph 3 should provide specific examples of the types of information transmitted/received that directly assists the movement of men or material (e.g., air tasking orders) -- for that is the generally-understood definition of "command and control."

If paragraph 4. (d) is checked, the description in paragraph 3 should (1) identify the specific weapons system(s) that the proposed system is "integral" to, and (2) what would happen to that/those specific weapons system(s) if the proposed system would fail. Note that the dictionary definition of the word "integral" means "essential".

Since the word "critical" in paragraph 4. (e) is synonymous with the terms "crucial" or "indispensable," if that box is checked the description in paragraph 3 should (1) state whether any backup systems exist to the proposed system, and (2) the specific military or intelligence mission the proposed system will directly fulfill. If the program office believes that a specific military or intelligence mission has been mandated by Congress, the requester should identify specific sections in the pertinent authorization/appropriations acts and/or specific language in House, Senate, or Conference committee reports to support that belief.

Note that the word "involves" is included in paragraphs 4(a)-(d) and the word "direct" is used in paragraph 4. (e). Conceivably, virtually everything DoD does bears some relationship, however remote to, e.g., the command and control of military forces, intelligence activities, etc. In this context, however, what the word "involves" or "direct" means is that there must be a very close relationship between the proposed system and, e.g., the command/control of military forces.